

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED ETHICS AND  
CAMPAIGN DISCLOSURE BOARD  
BILL)

**A BILL FOR**

1 An Act relating to the use of public resources for political  
2 purposes and making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 68A.505, Code 2018, is amended by  
2 striking the section and inserting in lieu thereof the  
3 following:

4 **68A.505 Use of public resources for political purposes.**

5 1. As used in this section, unless the context otherwise  
6 requires:

7 a. "*Meeting*" means all of the following:

8 (1) A gathering in person or by electronic means, formal or  
9 informal, of a majority of the members of the governing body of  
10 a county, city, school district, or other political subdivision  
11 where there is deliberation or action upon any matter within  
12 the scope of the governing body's policymaking duties.

13 (2) A gathering in person or by electronic means, formal or  
14 informal, of a majority of the members of the general assembly  
15 or any committee or subcommittee of the general assembly where  
16 there is deliberation or action upon any matter within the  
17 scope of the general assembly's constitutional or statutory  
18 duties.

19 b. "*Public employee*" means the same as defined in section  
20 68B.2.

21 c. "*Public official*" means the same as defined in section  
22 68B.2.

23 d. "*Public resources*" means the job titles, moneys,  
24 time, property, facilities, equipment, and supplies of state  
25 government, a county, city, public school, or other political  
26 subdivision.

27 2. Except as provided in subsection 4, the state and the  
28 governing body of a county, city, school district, or other  
29 political subdivision of the state shall not use or permit the  
30 use of public resources for political purposes.

31 3. Except as provided in subsection 4, a public official  
32 or public employee shall not use or permit the use of public  
33 resources for political purposes.

34 4. All of the following are permitted uses of public  
35 resources for a political purpose:

1     *a.* The state or a governing body of a county, city, school  
2 district, or other political subdivision may express an opinion  
3 on a ballot issue through the passage of a resolution or  
4 proclamation.

5     *b.* A public official or public employee may express an  
6 opinion on a ballot issue at a meeting.

7     *c.* A public resource that is accessible to a member of  
8 the general public to use for other purposes may be used for  
9 political purposes.

10    *d.* The state and the governing body of a county, city,  
11 school district, or other political subdivision may permit the  
12 holding of a candidate debate or forum and the accompanying  
13 distribution of campaign materials on public property provided  
14 at least two candidates seeking the same office are invited to  
15 attend the debate or forum.

16    *e.* A person may reimburse the state or the governing  
17 body of a county, city, school district, or other political  
18 subdivision for the use of a public resource for a political  
19 purpose provided it is demonstrated to the governing body that  
20 the use of the public resource was also for a public purpose or  
21 furthered a public interest. The reimbursement must equal the  
22 actual costs of using the public resource or the amount charged  
23 to a person using the public resource for any other purpose.

24    *f.* Public resources may be used to produce and distribute  
25 communications that do not expressly advocate for or against a  
26 candidate or that do not expressly advocate for or against a  
27 ballot issue provided that such use does not violate section  
28 68B.2A.

29    *g.* Job titles may be used for political purposes.

30    *h.* A public official or public employee may use the portion  
31 of public property that is designated as the personal residence  
32 of a public official or public employee for political purposes.

33    *i.* A public official or public employee may use the  
34 personal property of the public official or public employee  
35 for political purposes while on public property that is not

1 accessible to the public provided the public official or public  
2 employee is not being paid by the state or the governing  
3 body of a county, city, school district, or other political  
4 subdivision of the state for the time spent using the public  
5 employee's or public official's personal property and the  
6 public employee or public official is not interfering with the  
7 official functions and duties of the state or the governing  
8 body of a county, city, school district, or other political  
9 subdivision of the state.

10 5. This section shall not be construed to limit the freedom  
11 of speech of a public official or public employee, provided  
12 that the public official or public employee is not using public  
13 resources except as provided in subsection 4.

14 6. The board shall adopt rules pursuant to chapter 17A to  
15 administer and interpret this section.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with  
18 the explanation's substance by the members of the general assembly.

19 This bill relates to use of public resources for political  
20 purposes.

21 Currently, the state and the governing body of a county,  
22 city, school district, or other political subdivision of the  
23 state are prohibited from using or permitting the use of public  
24 resources for political purposes. The bill also prohibits a  
25 public official or public employee from using or permitting  
26 the use of public resources for political purposes. However,  
27 the bill provides a list of permitted uses of public resources  
28 for political purposes. The bill prohibits the provisions  
29 from being construed to limit the freedom of speech of public  
30 officials or public employees provided that the public official  
31 or public employee is not using public resources other than  
32 those permitted to be used under the bill.

33 The bill defines "public resources" as job titles, moneys,  
34 time, property, facilities, equipment, and supplies of state  
35 government, a county, city, public school, or other political

1 subdivision.

2     A person who knowingly violates a provision of the bill is  
3 guilty of a serious misdemeanor. A serious misdemeanor is  
4 punishable by confinement for no more than one year and a fine  
5 of at least \$315 but not more than \$1,875.